

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN FLYNN,

Plaintiff,

v.

COUNTY OF TUOLUMNE, *et al.*,

Defendants.

Case No. 2:24-cv-2265-DJC-JDP (PS)

ORDER

On February 26, 2025, I recommended that plaintiff's application to proceed *in forma pauperis* be denied since it failed to demonstrate that plaintiff had insufficient assets to pay the filing fee and provide the necessities of life. ECF No. 7. On April 21, 2025, the district judge adopted the findings and recommendations and ordered plaintiff to tender the filing fee within twenty-one days.¹ ECF No. 4. To date, plaintiff has not submitted the filing fee.

Plaintiff has, however, filed a motion for an extension of time to file an amended complaint. ECF No. 8 at 4. Therein, he argues that his financial situation has changed because he recently purchased an automobile. *Id.* at 4. Critically, he has filed an amended application to proceed *in forma pauperis* that demonstrates that he is unable to pay the filing fee and still afford the necessities of life. *See Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015).

¹ The district judge also referred the matter back to the undersigned for all further pre-trial proceedings. ECF No. 7.

1 Accordingly, plaintiff has failed to show that reconsideration of his application to proceed *in*
2 *forma pauperis* is appropriate. However, given plaintiff's pro se status, the court will grant
3 plaintiff a brief extension of time to submit the required filing fee. Plaintiff may submit an
4 amended complaint together with the filing fee. Plaintiff is warned, however, that failure to
5 timely submit the filing fee will result in a recommendation that this action be dismissed.

6 Accordingly, it is hereby ORDERED that:

7 1. Plaintiff's motion for an extension of time, ECF No. 8, is GRANTED IN PART.

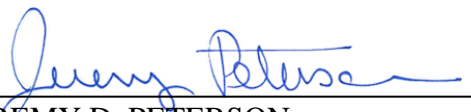
8 2. Plaintiff is granted until June 19, 2025, to pay the \$405 filing fee and submit an
9 amended complaint.

10 3. Failure to pay the filing fee by that date will result in a recommendation that this action
11 be dismissed without prejudice.

12 4. Plaintiff is admonished that the court is not inclined to grant further extensions of time.

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14 IT IS SO ORDERED.

15 Dated: June 2, 2025

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17 JEREMY D. PETERSON
18 UNITED STATES MAGISTRATE JUDGE
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